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10/024,896	12/17/2001	Andrew W. Blackett	6270/72	8784

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BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60611

EXAMINER

SWINDELL, WALTER R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 05/20/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/024,896

Applicant(s)

BLACKETT ET AL.

Examiner

Walter R Swindell

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☒ Claim(s) 1-48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Priority***

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.
2. Applicant has incorporated by reference US Patent Application Ser. No. 09/723,564, which is co-pending, at page 1 of the specification. Examiner notes that incorporation by reference of an application in a printed United States patent constitutes a special circumstance under 35 U.S.C. § 122 warranting that access of the original disclosure of the application be granted. The incorporation by reference will be interpreted as a waiver of confidentiality of only the original disclosure as filed, and not the entire application file, *In re Gallo*, 231 USPQ 496 (Comm'r Pat. 1986). If Applicant objects to access to the entire application file, two copies of the information incorporated by reference must be submitted along with the objection. Failure to provide the material within the period provided will result in the entire application (including prosecution) being made available to petitioner. The Office will not attempt to separate the noted materials from the remainder of the application. Compare *In re Marsh Engineering Co.*, 1913 C.D. 183 (Comm'r Pat. 1913).

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 19 March 2002 was filed before the mailing date of the first Office Action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

### ***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

Art Unit: 2125

5. Claims 1-48 are objected to because of the following informalities:

- a. Independent claims 1, 17, 26, and 46 include the term "control" in the preamble of the claims, yet there no control is exerted by the claimed energy meter on the distribution of electrical energy. Applicant should take steps to clarify the claims, either by amendment or argument.
- b. Claim 30 currently depends from claim 25, yet it seems to be more appropriately depend from claim 26. Examiner will examine the claim with both possibilities in mind.
- c. Claim 48 currently depends from claim 46, yet it seems to be more appropriately depend from claim 47. Examiner will examine the claim with both possibilities in mind.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-48 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,005,759 to Hart et al. (previously submitted by applicant in IDS, paper no. 3)(hereinafter "Hart"). Hart teaches all of the features of the claimed method and system. Hart teaches a method and system for power management control.
8. Regarding claims 1, 17, 26, and 46, Hart teaches an energy meter for monitoring and controlling the distribution of electrical energy, said meter comprising: at least one sensor coupled with an electric circuit and operative to sense at least one electrical parameter in said electric circuit and generate at least one analog signal indicative thereof (FIG. 1, element 40); at least one analog to digital converter coupled with said sensor and operative to convert said analog signal to at least one first digital signal (col. 10, Ins.

Art Unit: 2125

19-42); a communications port operative to facilitate communications of at least one second digital signal between said energy meter and a slave device coupled with said energy meter using a first protocol (FIG. 2A, elements 62-68); a processor coupled with said analog to digital converter and further coupled with said communications port, said processor operative to perform a power management function on said at least one second digital signal and generate an output result (FIG. 2A, element 52); and a server module coupled with said processor and operative to facilitate communication of said output result to a client application over a digital network using a second protocol (FIG. 1, elements 20 and 30).

9. Regarding claims 2-10, Hart teaches the use of various protocols conforming to industry standards or variations thereof (col. 13, ln. 50 – col. 17, ln. 18).
10. Regarding claims 11-12, Hart teaches the use of Ethernet and wireless networks (col. 4, lns. 37-63).
11. Regarding claim 13, Hart teaches using at least one object oriented program module (FIG. 1, elements 22-29).
12. Regarding claims 14-16, Hart teaches the transmission of requests and signals comprising digital data (see flow diagrams of FIGs. 2B and 2C; and messages of FIGs. 6A, and 6B).
13. Regarding claims 18-19, Hart teaches the use of slave devices (col. 5, lns. 21-68).
14. Regarding claims 20-22, Hart teaches the generating of various messages (col. 9, lns. 1-58).
15. Regarding claims 23-25, Hart teaches the use of an energy meter, along with the monitoring and control of loads (col. 1, lns. 1-34).
16. Regarding claim 27, Hart teaches the application of the meter to revenue monitoring (FIG. 1, element 20, where the off-line applications inherently provide analysis and monitoring based on data received from element 40).
17. Regarding claim 28, Hart teaches the use of slave devices (col. 5, lns. 21-68).
18. Regarding claims 29-30, Hart teaches the use of RS232 and RS485 protocols (col. 5, lns. 20-28).
19. Regarding claims 31-38, Hart teaches the use of various protocols conforming to industry standards or variations thereof (col. 13, ln. 50 – col. 17, ln. 18).

Art Unit: 2125

20. Regarding claims 39 and 45, Harts teaches the export to other devices (FIG. 1, element 20 and 21).

21. Regarding claim 40, Hart teaches the performance of power management functions (col. 7, ln. 16 – col. 8, ln. 27).

22. Regarding claims 41-44, Hart teaches monitoring of various messages and the performance of various functions based wholly or in part upon those messages (col. 8, lns. 29-53; and col. 9, lns. 1-58).

23. Regarding claim 47-48, Hart teaches receiving commands and performing operations as a result of commands (FIG. 1, element 19 and 30).

### ***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It is noted that much of this prior art could have been used to reject the pending claims. Additionally, the previously cited US Patent No. 5,862,391 to Salas et al. discloses a power management control system that includes a majority of the features of the claimed invention, recitation of which would be merely redundant to the above-stated rejections. While no further rejections are being presented at this time, it is requested that applicant review the further cited prior art prior to responding to this action.

25. US Patent No. 5,576,700 to Davis et al. discloses an apparatus and method for controlling an electrical load and monitoring control operations and the electrical load.

26. US Patent No. 5,544,089 to Hemminger et al. discloses a programmable electrical energy meter multiplexed analog-to-digital converters.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter R Swindell whose telephone number is (703)305-8580. The examiner can normally be reached on Monday - Friday 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P Picard can be reached on (703)308-0538. The fax phone numbers for the organization where this

Art Unit: 2125

application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Walter Russell Swindell  
Patent Examiner  
Art Unit 2125

WRS  
May 16, 2003



**Jayprakash N. Gandhi**  
**Primary Examiner**  
**Technology Center 2800-2100**